

**SUMMARY AND RESPONSE TO COMMENTS**  
**H.T.R., INC.**  
**KAISER, MISSOURI**  
**EPA ID# MOR000504456**

The Missouri Department of Natural Resources (hereafter “the department”) and the U.S. Environmental Protection Agency (hereafter “EPA”), Region VII have issued a final hazardous waste permit to H.T.R., Inc. (hereafter “the Permittee”). The final permit includes a Missouri Hazardous Waste Management Facility Part I and EPA's Hazardous and Solid Waste Amendments Part II. The final permit allows the Permittee to store fluorescent lamps (universal waste) and mercury containing calcium phosphate powder before they are recycled.

The department conducted public participation activities related to the draft and final permit, as outlined in Title 40 of the Code of Federal Regulations Part 124 and Title 10 of the Code of State Regulations Section 25-8.124. The department invited the public to review and offer written comments and suggestions on the draft permit to the department and EPA during the 45-day public comment period. The public comment period began the day after the legal notice was published, May 9, 2006, and ended June 23, 2006.

All written comments received during the public comment period with regard to the draft permit are listed in this summary and response to comments. A response explaining how each comment was addressed in the final permit is also included. This summary and response to comments was prepared according to the requirements of 40 CFR 124.17 and 10 CSR 25-8.124(1)(A)17.

**General Comment:**

COMMENT: An internal review of the draft permit, during the public comment period, resulted in the department commenting regarding updated language in a Schedule of Compliance condition and several Corrective Action conditions. These departmental comments are addressed in Comments 12 through 20.

**COMMENT #1:**     *Right now H.T.R. has a temporary permit to store fluorescent lamps issued by the state. Is this because they are already in non-compliance? Storing over 1 year?*

**RESPONSE #1:**     H.T.R. has an approval to store universal waste and a resource recovery certification to recycle, not a temporary permit. H.T.R. would be in non-compliance with federal regulations specifying that universal waste destination facilities must have a Resource Conservation and Recovery Act (RCRA) permit to store universal waste if it did not have Missouri's approval to store it. Because H.T.R. has Missouri's approval to store universal waste, it is not

“in non-compliance.” H.T.R. is not storing waste for over a year. No change of permit conditions was requested or made due to this comment.

**COMMENT #2:** *Page four of Draft Permit 1, the introduction makes mention of “updated habitual violator information” was submitted for the “approved permit application.” Can you better describe what that information is or why it is being used for the permit?*

**RESPONSE #2:** Missouri law requires the department to consider the applicant’s prior operating history pursuant to Section 260.395.16, RSMo during the review of H.T.R.’s permit application to operate a hazardous waste management facility. All documentation required for the habitual violator report is submitted with the permit application or when there are certain modifications to the final permit as specified in 40 CFR Part 270 Subpart D. Details on what is required to satisfy the habitual violator requirement can be found at 10 CSR 25-7.270(H). The term “updated habitual violator information” refers to the most current version. This is standard permit language. No change of permit conditions was requested or made due to this comment.

**COMMENT #3:** *The permit allows them to store up to 50 trailers on site (appx. 25,000 lamps per trailer), 300,000 lamps in the warehouse, 40 drums of crushed lamps on site (appx. 1000 lamps). That is the equivalent of over 1.5 million lamps on site at one time in my estimation. With the facility stating they are capable of processing 1.5 million lamps a month, why would they need up to a year storage or more if they are to be kept within these specific conditions?*

**RESPONSE #3:** The state of Missouri does not consider why H.T.R. wants a certain storage capacity. The Hazardous Waste Program (HWP) only considers that H.T.R. has requested it and that the storage is able to be approved because it will be done in a manner protective of human health and the environment and in compliance with applicable regulation. No change of permit conditions was requested or made due to this comment.

**COMMENT #4:** *a) If they do store for up to a year, are the generators having to wait a year to get their certificate of recycling?*

- b) Will they be notifying all of their customers that they may be storing their regulated materials for up to one year?*
- c) If the generator stores up to one year and then gives it to H.T.R., will it not need to be recycled or treated right away or will another year be allowed?*

**RESPONSE #4:**

- a) We do not know the answer. The answer to this question is not relevant to the permit issuance. This is between H.T.R. and its customers.
- b) We do not know the answer nor is it relevant to the permit issuance. This is between H.T.R. and its customers.
- c) Generators and "handlers" of universal waste may store universal waste for the time frame allowed by federal universal waste regulations. It is only after the bulbs reach H.T.R. that the one-year storage time frame applies, and this time frame may be extended with the prior approval of the Compliance/ Enforcement Section of the HWP. No change of permit conditions was requested or made due to these comments.

**COMMENT #5:** *Will the guidelines of soil testing be the same as the clean-up goals that they were required to do at their Golden City location?*

**RESPONSE #5:** There is no soil testing being required by this permit. The Permittee will need to complete a RCRA Facility Assessment within three years of the effective date of the permit, per 40 CFR 270.14(d)(3) or at the initiation of closure of the facility (whichever comes first). The RCRA Facility Assessment will be prepared using the most recent version of RCRA Facility Assessment Guidance, USEPA. This guidance may be found electronically on the Internet at <http://www.epa.gov/epaoswer/hazwaste/ca/resource/guidance/sitechar/rfaguid.pdf>. No change of permit conditions was requested or made due to this comment.

**COMMENT #6:** *They will be allowed twenty 55-gallon drums of mercury containing powder to be stored on site also. Is there a specific*

*reason they need to store that much powder when there is a retort machine present on their site to treat and recover the liquid mercury? Do the 20 drums of mercury containing powder restrictions include what is sent to the site from other lamp recycling locations to be retorted?*

**RESPONSE #6:** The department does not consider why storage is requested, only that all storage is in compliance with the regulations. At present, mercury powder is not sent to H.T.R. from other lamp recycling locations to be retorted. No change of permit conditions was requested or made due to this comment.

**COMMENT #7:** *Will there be a limit on the amount of mercury, including retorted mercury, set on the site for the overall quantities at one time?*

**RESPONSE #7:** There will be no limit on the overall "amount of mercury." The limit will be on the mercury waste materials only as outlined in the permit. The HWP and permit only regulate hazardous waste and corrective action for releases of hazardous waste. No change of permit conditions was requested or made due to this comment.

**COMMENT #8:** *Will the disposal of mercury containing glass on their properties and other locations be allowed with this permit?*

**RESPONSE #8:** Disposal of mercury containing glass on its properties and other locations is not allowed by this permit. No change of permit conditions was requested or made due to this comment.

**COMMENT #9:** *Will the trailers need to be locked at all times as originally requested by the state? The main concern is to make sure all trailers finally get locked up. They have failed to do this over the past 3+ years.*

**RESPONSE #9:** Yes, the trailers will need to be locked and inspected daily as required by Special Permit Condition IV. Whether H.T.R. has failed to lock the trailers in the past is an alleged violation of present storage requirements. The department is unaware that H.T.R. has failed to lock the trailers, except as specified in any inspection reports. No change of permit conditions was requested or made due to this comment.

**COMMENT #10:** *Will there be a scheduled time to do compliance follow ups or random inspections?*

**RESPONSE #10:** H.T.R. will be a commercial treatment, storage, and disposal facility and there will be compliance follow-ups and unannounced quarterly inspections. No change of permit conditions was requested or made due to this comment.

**COMMENT #11:** *Will any of this permit cover other mercury contaminated devices or PCB items coming into and being stored at their locations? Restricted quantities that will be allowed to be stored on site as well?*

**RESPONSE #11:** H.T.R. is not a universal waste destination facility for items other than those in the permit. The only other contaminated devices or PCB items coming into and being stored at the location would be handled under Transfer Facility Requirements as specified in 40 CFR 263.12. No change of permit conditions was requested or made due to this comment.

**COMMENT #12:** *An internal review produced comments on language in the Schedule of Compliance section and the clarity of condition I.D.*

**RESPONSE #12:** A change has been made in the permit to reflect updated language to verify the amount owed to the state of Missouri. This change was not substantial and resulted in a permit condition that provides necessary clarification on this issue.

**COMMENT #13:** *An internal review produced comments on language in the Corrective Action portion of the permit, condition XII.B.*

**RESPONSE #13:** A change has been made in the final permit to reflect new language for this condition which provides a updated submittal requirement for the corrective action cost estimate. This change was not substantial and resulted in a permit condition that provides necessary clarification on this issue.

**COMMENT #14:** *An internal review produced comments on language in the Schedule of Compliance portion of the permit, condition II.*

**RESPONSE #14:** A change has been made in the final permit to reflect new language and consolidation of Schedule of Compliance Condition II. and VI. The language requires a submittal of a updated closure within 60 days of the final date of the final permit and the associated closure cost estimate. The updated closure plan shall include the maximum number of bulbs allowed to be staged in parking lot trailers. Within 60 days after the department's approval of the

updated closure plan and cost estimate, an updated financial assurance instrument is required.

**COMMENT #15** *An internal review produced comments on language in the Special Permit Conditions section condition IV. Trailer Staging.*

**RESPONSE #15** A change has been made in the final permit to reflect new language. This change was not substantial and resulted in a permit condition that provides necessary clarification on this issue. The last sentence has been removed as it is not necessary since this issue has been addressed in Schedule of Compliance Condition II.

**COMMENT #16** *An internal review produced comments on language in Corrective Action Condition I. of the first paragraph.*

**RESPONSE #16** A change has been made in the final permit to reflect additional language to describe the identification and listing of additional solid waste management units, and language was changed to describe that no Area of Concerns are known to exist at this time.

**COMMENT #17** *An internal review produced comments on language in Corrective Action Condition IX. of the first and second paragraphs.*

**RESPONSE #17** A change was made in the final permit to reflect additional language to provide clarification. In the first paragraph of Corrective Action Condition IX. the last four words of the paragraph: “selected by the Department” was changed to: “contained in the approved CMS Report.

In the second paragraph, the whole paragraph was reworded to read, “Following preparation of the Statement of Basis by the Department, a Permit modification will be initiated by the Department pursuant to 40 CFR 270.41 or by the Permittee pursuant to 40 CFR 270.42(c), as applicable, to implement the proposed final remedy.”

**COMMENT #18** *An internal review produced comments on language in Corrective Action Condition XIII. of the first and last paragraph.*

**RESPONSE #18** A change was made in the final permit to reflect additional language to provide clarification. The change to the first paragraph was to change the following wording: “...either approve or disapprove the plan or report in writing.” to the following wording, “...notify the Permittee in writing whether the plan or report is approved.”

The change to the last paragraph of Corrective Action Condition XIII. was to add a law citation to at the end of the last sentence and that addition was 621.250, RSMo.

**COMMENT #19** *An internal review produced comments on page 1 of the final permit that reflects the name and address of the Owner and Operator.*

**RESPONSE #19** A change was made in the final permit to reflect the correct Owner. This was corrected to show Dufner Acquisition L.L.C., as the Owner. The Operator remained H.T.R., Incorporated.

**COMMENT # 20** *An internal review discovered, due to Comment #19, an updated EPA Hazardous Waste Permit Application Part A would need to be submitted to reflect the correct Facility Legal Owner and also to reflect the current permitted operations.*

**RESPONSE #20** A change was made in the final permit to reflect an additional schedule of compliance condition, to require an updated EPA Hazardous Waste Permit Application Part A to reflect the correct facility legal owner and also to reflect the current permitted operations outlined in the final permit.